

Amendments to the Drawings:

The attached replacement and annotated sheets of drawings includes changes to FIGS. 1-6 as follows.

Fig. 1 has been amended to Fig. 1A

Fig. 2 has been amended to Fig. 2A

Fig. 3 has been amended to Fig. 3A

Fig. 4 has been amended to Fig. 4A

Fig. 5 has been amended to Fig. 5A

Fig. 6 has been amended to Fig. 6A

The attached new Figures 1B, 2B, 3B, 4B, 5B, and 6B have been added to illustrate another embodiment of the invention as follows:

Fig. 1B is similar to Fig. 1A except that the proximal and distal straps are on different shoulders of the user.

Fig. 2B is similar to Fig. 2A except that the proximal and distal straps are on different shoulders of the user.

Fig. 3B is similar to Fig. 3A except that the proximal and distal straps are on opposite sides.

Fig. 4B is similar to Fig. 4A except that the proximal and distal straps are on opposite sides of the load.

Fig. 5B is similar to Fig. 5A except that the proximal and distal straps are on different shoulders of the user.

Fig. 6B is similar to Fig. 6A except that the proximal and distal straps are on different shoulders of the user.

Attachment: Replacement Sheet
Annotated sheet showing changes
New figures 1B, 2B, 3B, 4B, 5B, and 6B

REMARKS/ARGUMENTS

The Office Action mailed September 30, 2004 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested. Claims 1-8 are currently pending. Claims 1-8 have been rejected.

The specification has been amended to correct grammatical matters and to describe new Figures 1B, 2B, 3B, 4B, 5B, and 6B. Figures 1-6 have been amended to read as Fig. 1A, 2A, 3A, 4A, 5A, and 6A. New Figures 1B, 2B, 3B, 4B, 5B, and 6B have been added to further particularly point out and distinctly describe an embodiment of the invention. Support for the amendments to the specification and for new figures 1B, 2B, 3B, 4B, 5B, and 6B can be found beginning on page 4, lines 22-31 through page 5, lines 1-6; beginning on page 6, line 8 through page 8, line 25; and in the original claims. No new matter has been added.

The 35 U.S.C. § 102 Rejection

Claims 1-5 and 8 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Marttinen (USP 4,452,383). This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹

The office action states that “Marttinen teaches a strap system comprising a proximal strap 14, 19, 20, with two ends 18,21, a distal strap 16 with two ends joined to the proximal strap, curved pads 13, 15, and adjustable buckles 22.” Applicant respectfully disagrees. Upon a closer reading of the prior art reference, there are subtle, but important differences.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 provides for:

“A dual shoulder strap system for supporting loads at ones side comprising:

- a) a proximal strap having two ends; and
 - b) distal strap having two ends,
- either of the two ends of the proximal strap being affixed to the distal strap in a position significantly away from the distal strap ends, whereby a shape is formed from a front-on view which may be described as a ‘y’ shape.”

Claim 1 provides for a “dual shoulder strap system” whereby the distal strap and proximal strap engages both shoulders of a user. This is further illustrated in Figures 1A, 1B, 2A, 2B, 5A, 5B, 6A, and 6B.

Claim 1 further provides that the two ends of the proximal strap are affixed to the distal strap in a position significantly away from the distal strap ends. Moreover, claim 1 further provides that the dual shoulder strap system forms a ‘y’ shape in the front of the user.

Marttinen provides for a harness “which comprises a cushioned (13) shoulder belt 14, which passes from the breast of the planting person across the shoulder to the back side, as well as a cushioned 15 side belt 16, which passes from the breast side of the planting person across the right side to the back side. The side belt 16 and the shoulder belt 14 are connected to each other at their ends by means of connecting rings 17, 17’...” (Col. 2, lines 35-42). Thus, Marttinen merely provides for a single shoulder strap (also illustrated in Figures 1 and 2) rather than a dual shoulder strap as claimed in Claim 1.

Marttinen also teaches that the belts are connected to each other at their respective ends. The shoulder belt and side belt are “connected to each other at their ends.” (Col. 2, lines 39-41). Rather, Claim 1 provides that the two ends of the proximal strap are affixed to the distal strap in a position significantly away from the distal strap ends and not at the ends of each straps. Moreover, Marttinen’s harness does not form a ‘y’ shape on the front of the user as claimed in Claim 1. Rather, Marttinen’s harness forms a ‘t’ shape.

Accordingly, since Marttinen does not teach each and every element as set forth in claim 1, it can not be said to anticipate the claimed invention. As to dependent claims 2-4 and 8, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable. Accordingly, it is respectfully requested that this rejection be withdrawn.

The 35 U.S.C. § 103 Rejection

Claims 6-7 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Marttinen in view of Moomaw (USP 2,915,233), among which claims 6-7 depend from claim 1. This rejection is respectfully traversed. The base claim being allowable, the dependent claims must also be allowable. Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

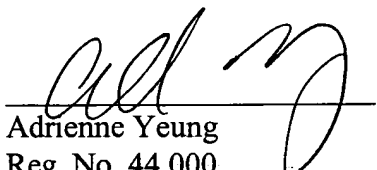
Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: _____

12/30/04


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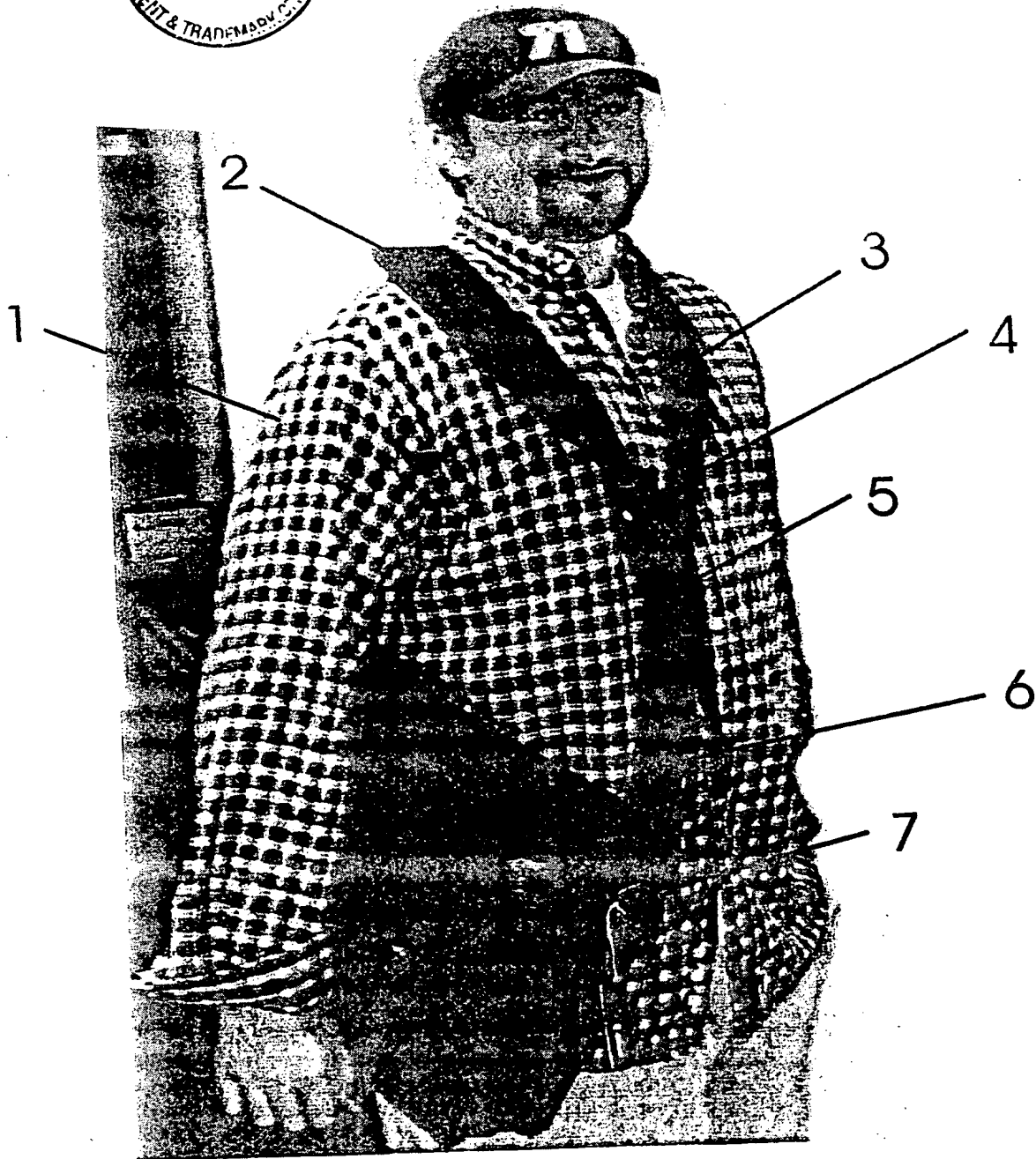
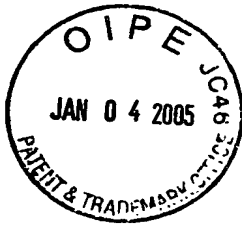


Fig. 1A

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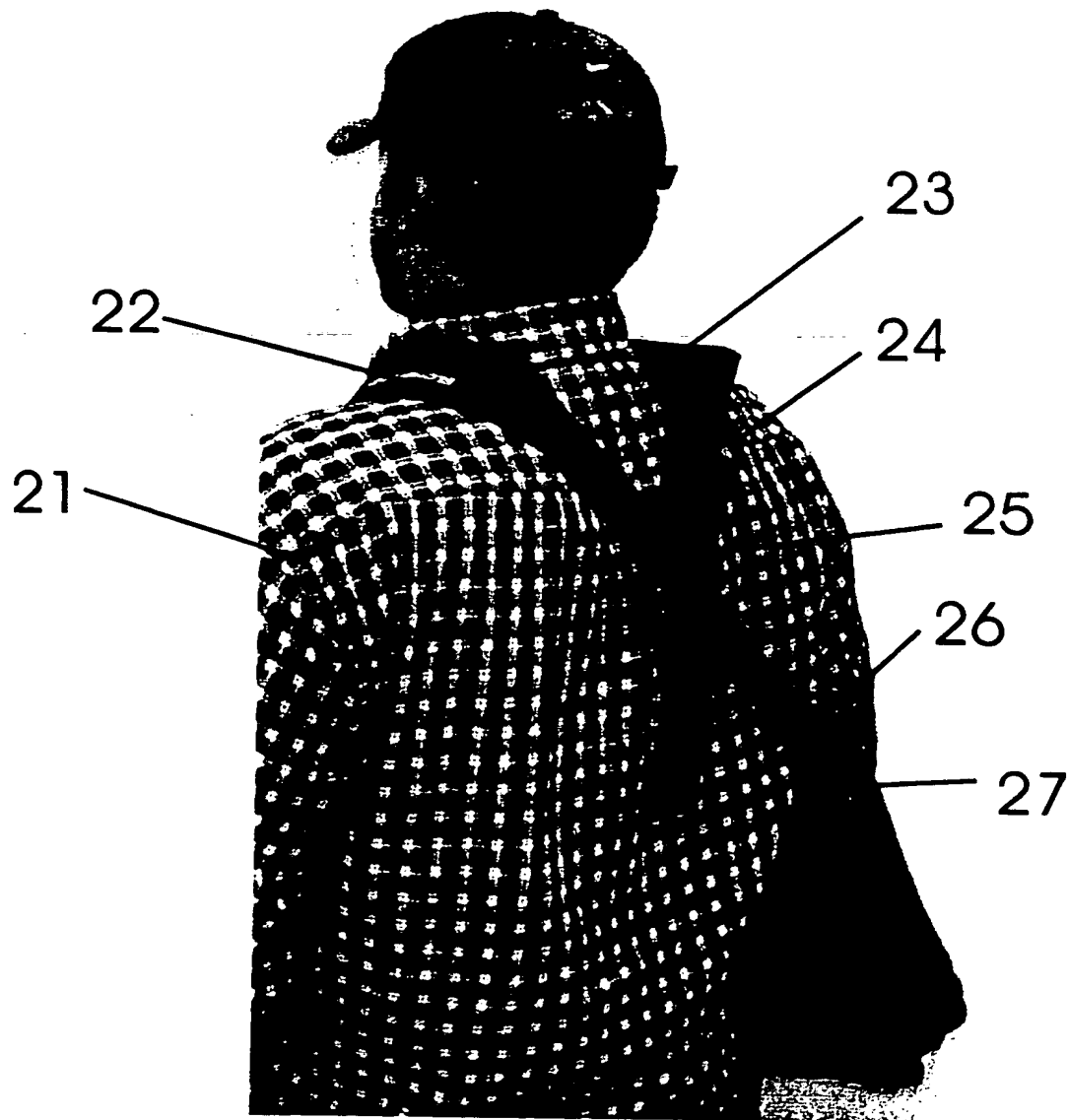


Fig. 2 A

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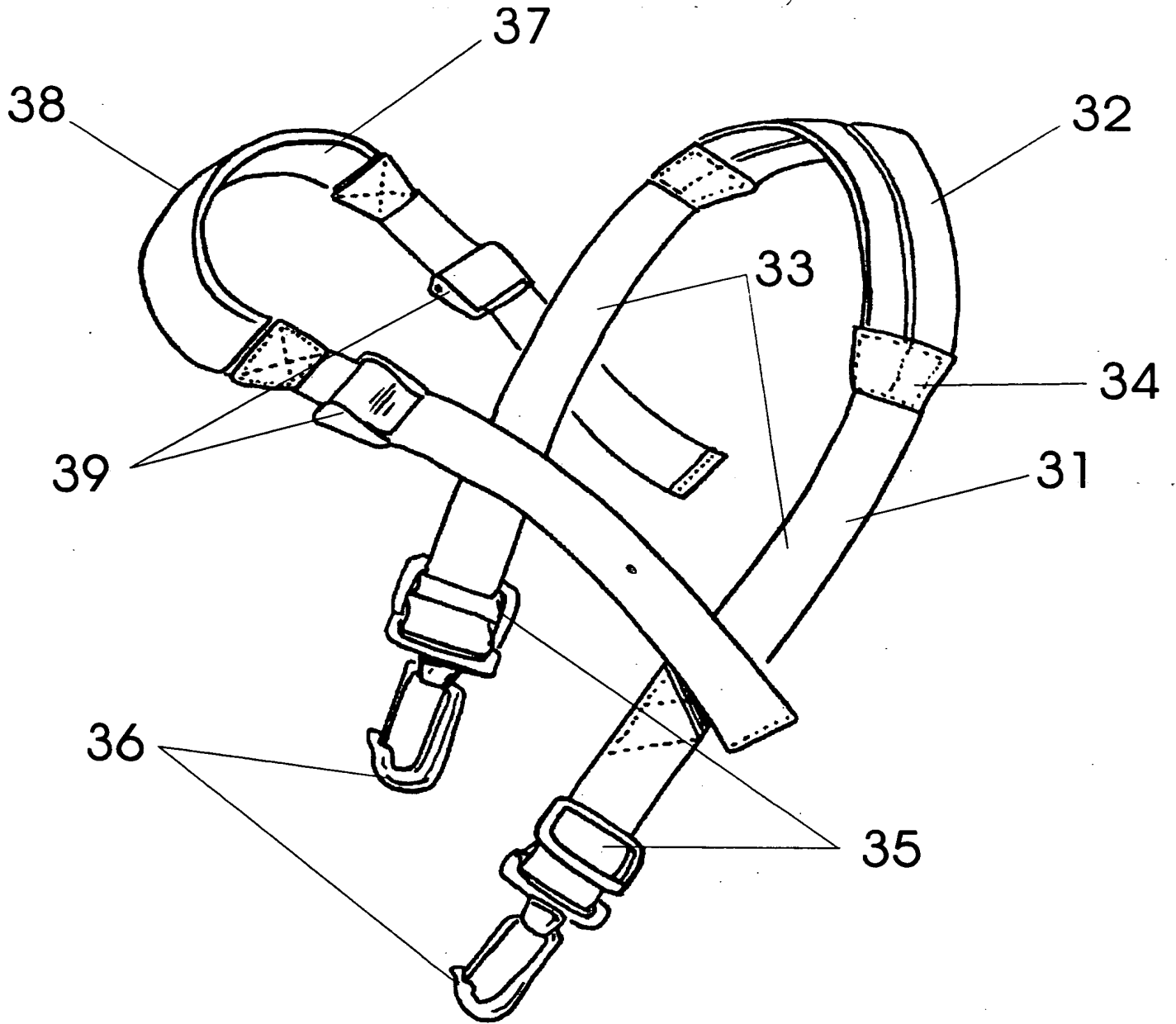
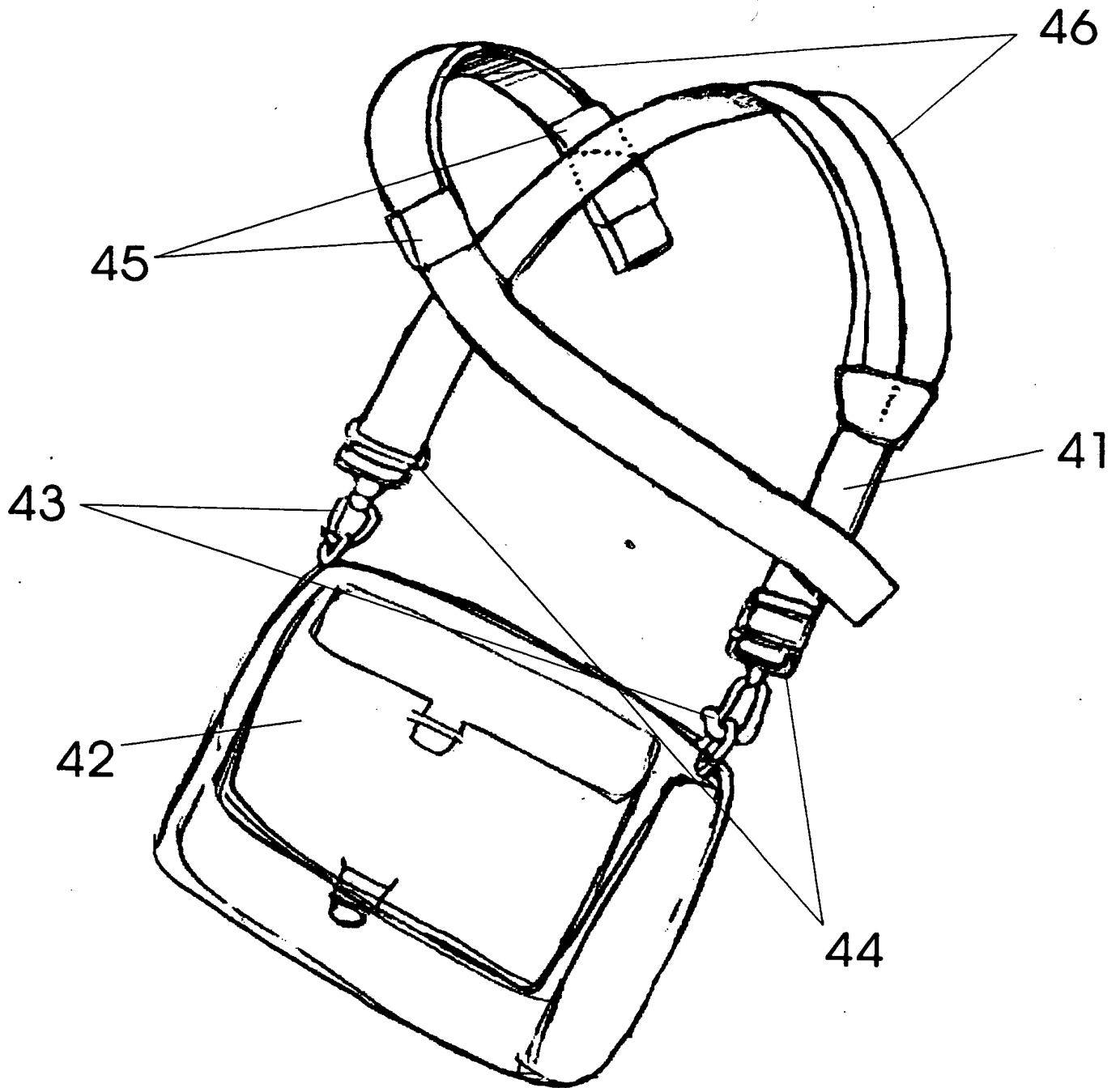


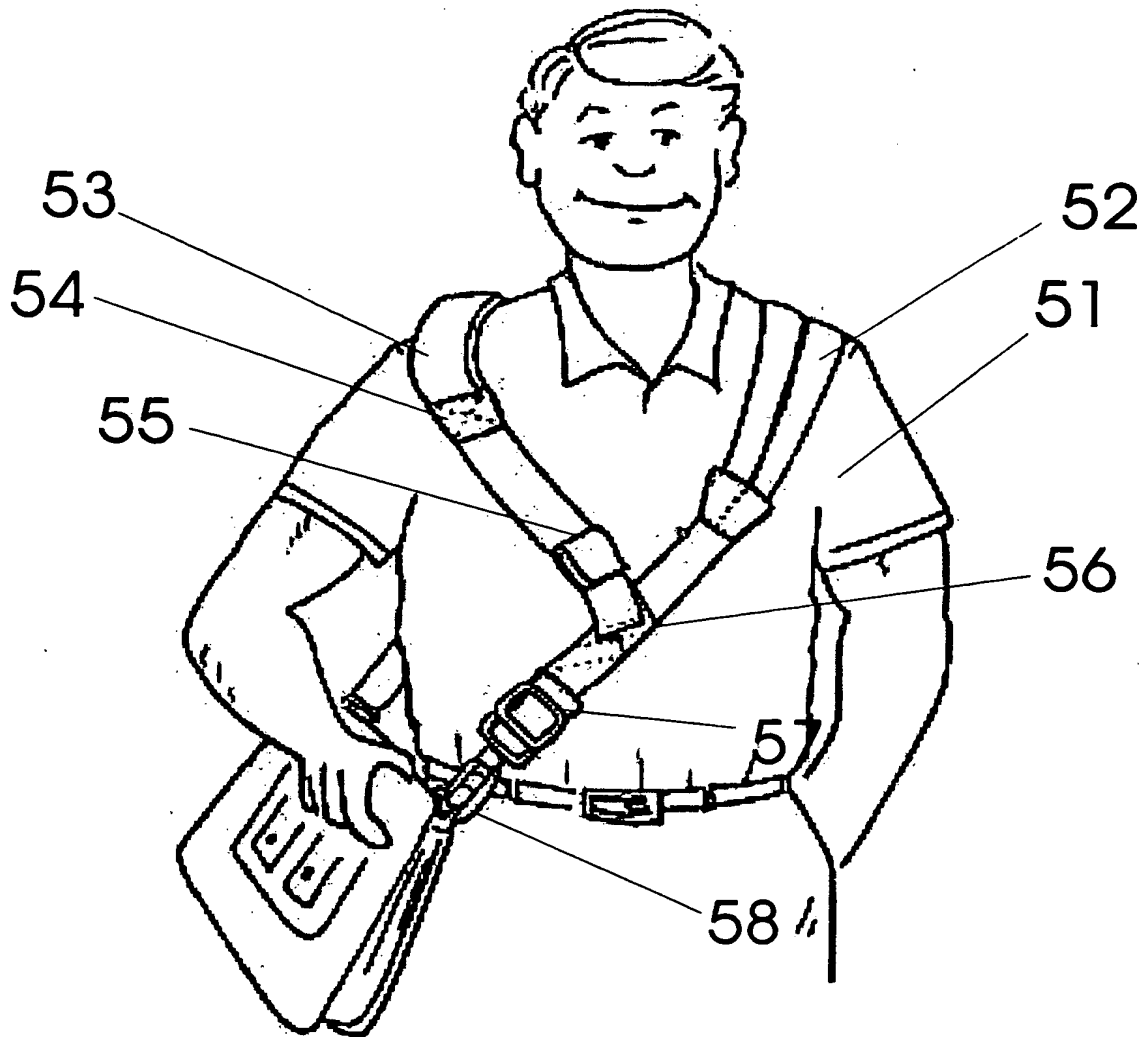
Fig. 3A

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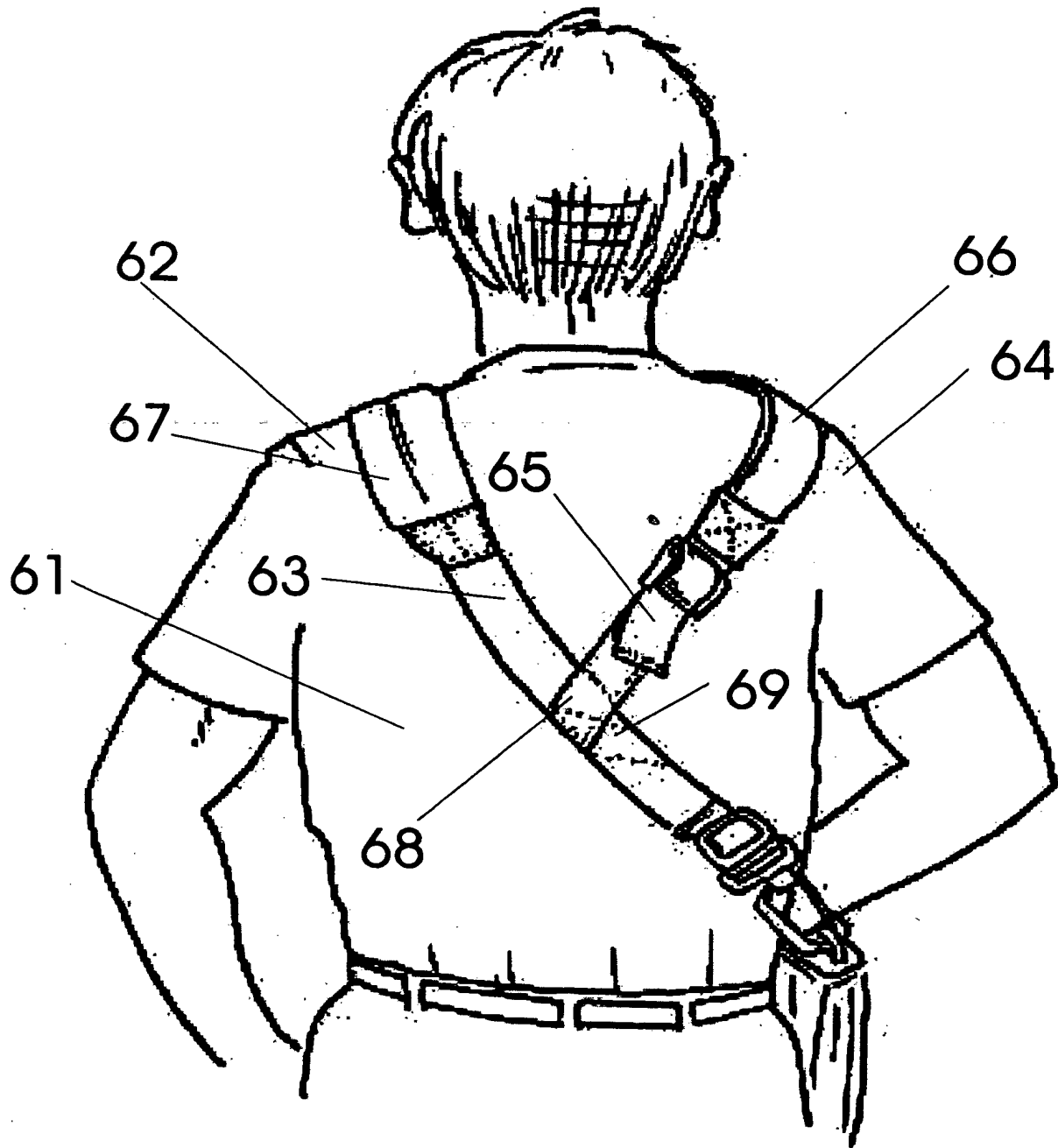
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Fig. 4A



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Fig. 5A



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Fig. 6A